

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Jonathan H. Dodge

v.

Case No. 09-cv-421-PB

Martin F. Swirko, et al.

O R D E R

Jonathan H. Dodge is currently under indictment in Hillsborough County Superior Court. His complaint and motion for temporary restraining order ("TRO") allege that Manchester Police Detective Martin Swirko is conspiring with Manchester Police Prosecutor Stephen Reardon and Hillsborough County Prosecutor Ross McLeod to violate Dodge's constitutional rights. His principal complaint is that Swirko provided false testimony against him that led to his arrest and indictment. He seeks a TRO enjoining Swirko from providing further false testimony, prohibiting state authorities from using any false evidence at his trial, and requiring the court to produce a transcript of the grand jury proceedings that led to his indictment.

The facts alleged in the complaint and motion for TRO do not come close to justifying the requested relief. This is simply not one of the unusual cases in which a federal court is

empowered to interfere with an ongoing state criminal prosecution. See Mandel v. Town of Orleans, 326 F.3d 267, 273 (1st Cir. 2003).

Because Dodge cannot demonstrate a likelihood of success on the merits, his Motion for Temporary Restraining Order (Doc. No. 3) is denied.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

December 11, 2009

cc: Jonathan Dodge, pro se